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ATTORNEY DOCKET NO. 22000.0110U2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
CAPDEVILA et al.) Group Art Unit: 1636
Application No. 09/942,429) Examiner: Vogel, N.
Filed: August 29, 2001) Confirmation No.: 7467
For: COMPOSITIONS AND METHODS)
RELATING TO HYPERTENSION)

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

August 22, 2005

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated February 22, 2005, finally rejecting claim 39.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection:
 - (a) was obtained for 2 months.
 - (b) is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$535.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

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APPLICATION NO. 09/942,429**

- Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$250.00/SE.
 - Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(3) = \$510.00 three month extension of time fee minus the \$225.00 two-month extension of time fee submitted on July 22, 2005 = \$285.00.
3. Enclosed is a Pre-Appeal Brief Request for Review and ____ sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

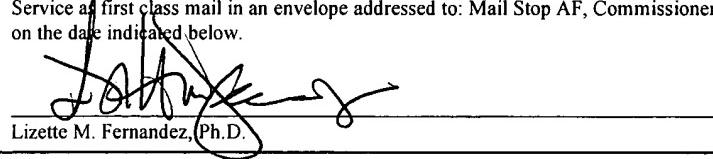


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Lizette M. Fernandez, Ph.D.

Date

8/22/05